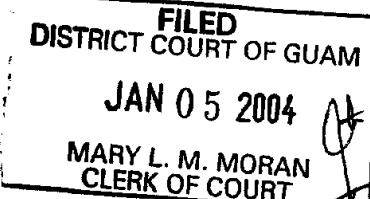


1 **TEKER CIVILLE TORRES & TANG, PLLC**
2 SUITE 200, 330 HERNAN CORTEZ AVENUE
3 HAGĀTÑA, GUAM 96910
4 TELEPHONE: (671) 477-9891/472-8868
5 FACSIMILE: (671) 472-2601/477-2511

6
7 *Attorneys for Defendant*



IN THE DISTRICT COURT OF GUAM

9 KAIOH SUISAN CO., LTD.) CIVIL CASE NO. 02-00021
10)
11 Plaintiff,)
12 vs.)
13)
14 GUAM YTK CORPORATION.,) DEFENDANT'S OPPOSITION TO
15)
16)
17)
18)
19)
20)
21)
22)
23)
Defendant.)

On October 21, 2003, Plaintiff filed a Renewed Motion for Summary Judgment arguing that there are certain undisputed facts which under the law entitles it to summary judgment. Those undisputed facts, according to Plaintiff, include a request by Defendant to borrow money, a signed agreement by the parties for the borrowing of money and the transferring of money from Plaintiff to Defendant. Plaintiff argues that those facts are "utterly consistent with a loan transaction and utterly inconsistent with anything else."

Plaintiff argued the same set of facts for the same proposition in its previous motion. Defendant asserted that notwithstanding the "loan" documents, the parties were partners in a fishing venture and the money was an investment by Plaintiff in a joint enterprise of the parties. The "loan"

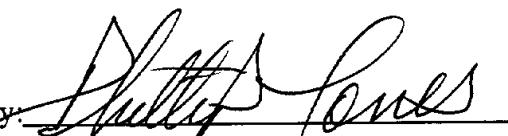
ORIGINAL

1 documents were put together months after the transaction was finalized and the funds were sent to
2 Guam. On April 4, 2003, this Court issued its Order denying Plaintiff's Motion for Summary
3 Judgment because there were facts in dispute as to the nature of the parties relationship and the
4 purpose and intent of the "loan" documents and the wire transfer documents. Those facts remain in
5 dispute and Plaintiff had added nothing to its current motion to demonstrate that the factual disputes
6 have been eliminated. The facts need to be determined at a trial where all parties can be examined
7 and cross examined. The facts themselves have not changed since Plaintiff's first motion for
8 summary judgment and the Court 's April 4, 2003 Order remains the law of the case.

9 Both parties have submitted their proposed pretrial order, their trial briefs, and their
10 witness lists. Defendants have prepared their case for trial. All that is needed is a trial date.
11 Defendant respectfully requests that Plaintiff's Renewed Motion for Summary Judgment be denied
12 and a hearing date then be calendared to set a trial date.

13 Respectfully submitted this 5th day of January, 2004.

14 **TEKER CIVILLE TORRES & TANG, PLLC**

15
16 By 
17 **PHILLIP TORRES**
Attorneys for Defendant

18
19
20
21
22 **Kaiboh Suisan Co., Ltd. v. Guam YTK Corp.**

23 **Civil Case No. CV02-00021**

Defendant's Opposition to Plaintiff's Renewed Motion for Summary Judgment

TEKER CIVILLE TORRES & TANG, PLLC
SUITE 200, 330 HERNAN CORTEZ AVENUE
HAGĀTNA, GUAM 96910
TELEPHONE: (671) 477-9891/472-8868